

**EXHIBIT – A**

**FILED**  
FEB 03 2020

YAKIMA COUNTY CLERK

**SUPERIOR COURT OF WASHINGTON FOR YAKIMA COUNTY**

GWENDOLYN M. GUINN, a single person,

Plaintiff,

vs.

JOHN DOE(S) 1-10 and/or JANE DOE(S) 1-10, husband and wife; and HOME DEPOT U.S.A., INC., a foreign corporation,

Defendants.

No.

**2020037739**

**COMPLAINT FOR DAMAGES**

Plaintiff, GWENDOLYN M. GUINN, a single person, by and through her attorneys, Brumback & Ottem, PLLC, complains against defendants, JOHN DOE(S) 1-10 and/or JANE DOE(S) 1-10, husband and wife; and HOME DEPOT U.S.A., INC., a foreign corporation, and alleges as follows:

1.

At all times mentioned herein, plaintiff GWENDOLYN M. GUINN, a single person, was a resident of Yakima County, Washington. All acts complained of herein occurred in Yakima County, Washington.

2.

Defendants JOHN DOE(S) 1-10 and/or JANE DOE(S) 1-10, husband and wife, are believed to be residents of Yakima County, Washington. Plaintiff believes and therefore alleges

**COPY**

1 that Defendant JOHN DOE(S) 1-10 and/or JANE DOE(S) 1-10 may be married. However, the  
 2 true name of his/her spouse is unknown to Plaintiff. In the event the Defendant is married, all  
 3 acts alleged to have been done by him/her were performed for and on behalf of the marital  
 4 community.

5 3.

6 On information and belief, Defendant THE HOME DEPOT U.S.A., INC. is a foreign  
 7 corporation with its corporate offices located in Atlanta, Georgia.

8 4.

9 The Court has jurisdiction over Defendants under RCW 4.28.185(b). Venue is proper in  
 10 this Court under RCW 4.12.020 and 4.12.025, because the accident occurred, and the action thus  
 11 arose, in Yakima County. Moreover, Defendants JOHN DOE(S) 1-10 and/or JANE DOE(S) 1-  
 12 10 are believed to reside in Yakima County, Washington, and Defendant THE HOME DEPOT  
 13 U.S.A., INC., does substantial business in Yakima County, Washington.

14 5.

15 An incident occurred on or about March 7, 2017 in Yakima County, Washington. Plaintiff  
 16 GWENDOLYN M. GUINN was injured when she went to the place of business of Defendant THE  
 17 HOME DEPOT U.S.A., INC. doing business at 2115 South 1<sup>st</sup> Street, Yakima, WA 98903.  
 18 JOHN DOE(S) 1-10 and/or JANE DOE(S) 1-10, an employee or employees of Defendant THE  
 19 HOME DEPOT U.S.A., INC. negligently created a dangerous condition causing Plaintiff to  
 20 unexpectedly trip and fall and was injured. At the time of this incident, said JOHN DOE(S) 1-10  
 21 and/or JANE DOE(S) 1-10 were employees of THE HOME DEPOT U.S.A., INC. acting within  
 22 the scope of his/her employment as an employee, agent, or servant of THE HOME DEPOT U.S.A.,  
 23 INC. Accordingly, THE HOME DEPOT U.S.A., INC. is liable for Plaintiff's injuries and  
 24 damages pursuant to RCW 4.22.070(1)(a) under the doctrine of *respondeat superior*. The  
 25 negligence of these Defendants was the actual and proximate cause of this incident.

26 6.

27 As a proximate result of the negligence of Defendants, Plaintiff GWENDOLYN M.  
 28 GUINN sustained personal injuries and damages which include, but are not limited to, property

1 damage, health care expenses, lost income and/or lost earning capacity, pain and suffering,  
2 disability and loss of enjoyment of life. In addition, Plaintiff will suffer future health care  
3 expenses, lost income and/or lost earning capacity, pain and suffering, disability, and/or loss of  
4 enjoyment of life.

5  
6 **WHEREFORE**, Plaintiff prays for judgment against Defendants as follows:

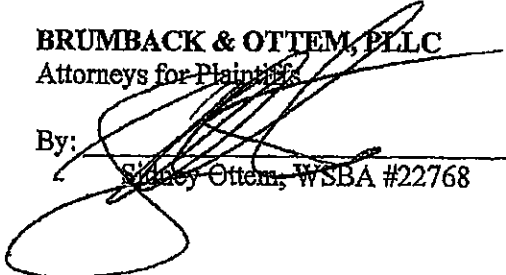
- 7 1. For economic and non-economic damages suffered by Plaintiff to be determined at  
8 the time of trial based upon the extent of injuries representing fair and just compensation.  
9 2. For attorney's fees and costs herein taxable to this cause of action.  
10 3. For any other relief the Court deems to be just and equitable.

11 **PLAINTIFF ASSERTS PHYSICIAN-PATIENT PRIVILEGE FOR 88 DAYS**  
12 **FOLLOWING THE FILING OF THIS COMPLAINT. ON THE 89TH DAY**  
13 **FOLLOWING THE FILING OF THIS COMPLAINT, PLAINTIFF HEREBY**  
14 **WAIVES THE PHYSICIAN-PATIENT PRIVILEGE. THAT WAIVER IS**  
15 **CONDITIONED AND LIMITED AS FOLLOWS: (1) THE PLAINTIFF DOES**  
16 **NOT WAIVE THE PLAINTIFF'S CONSTITUTIONAL RIGHT OF PRIVACY; (2)**  
17 **THE PLAINTIFF DOES NOT AUTHORIZE CONTACT WITH THE**  
18 **PLAINTIFF'S HEALTH CARE PROVIDERS OF ANY KIND EXCEPT BY**  
19 **JUDICIAL PROCEEDINGS AUTHORIZED BY THE RULES OF CIVIL**  
20 **PROCEDURE AND/OR PERMITTED UNDER THE LAWS OF THE STATE OF**  
21 **WASHINGTON; AND (3) REPRESENTATIVES OF THE DEFENDANT ARE**  
22 **SPECIFICALLY INSTRUCTED NOT TO ATTEMPT EX PARTE CONTACTS**  
23 **WITH THE HEALTH CARE PROVIDERS OF THE PLAINTIFF WITHOUT**  
24 **COURT AUTHORIZATION.**

25  
26  
27  
28  
DATED this 27<sup>th</sup> day of January 2020.

BRUMBACK & OTTEM, PLLC  
Attorneys for Plaintiff

By:

  
Gregory Ottem, WSBA #22768